

## **FACTSHEET**

**TITLE:** **CHANGE OF ZONE NO. 06047**, from AG Agricultural District to R-3 Residential District, requested by ESP on behalf of the property owners, on property generally located northeast of the intersection of Old Cheney Road and South 96<sup>th</sup> Place.

**STAFF RECOMMENDATION:** Approval

**ASSOCIATED REQUESTS:** Annexation No. 06013 (06-151)

**SPONSOR:** Planning Department

**BOARD/COMMITTEE:** Planning Commission  
Public Hearing: Consent Agenda: 08/16/06  
Administrative Action: 08/16/06

**RECOMMENDATION:** Approval (8-0: Esseks, Carroll, Sunderman, Taylor, Krieser, Larson, Cornelius and Carlson voting 'yes'; Strand absent).

### **FINDINGS OF FACT:**

1. This request to change the zone from AG Agricultural District to R-3 Residential District on approximately .4 acre was heard before the Planning Commission in conjunction with the associated Annexation No. 06013.
2. The staff recommendation to approve this change of zone request is based upon the "*Analysis*" as set forth on p.3-4, concluding that the associated annexation is voluntary and at the request of the property owners. The proposal is simply to annex and zone land being added to existing lots. This request complies with the annexation policy and Land Use Plan of the Comprehensive Plan.
3. On August 16, 2006, this application appeared on the Planning Commission Consent Agenda and was opened for public hearing. No one came forward to speak.
4. On August 16, 2006, the Planning Commission agreed with the staff recommendation and voted 8-0 to recommend approval (Strand absent).

**FACTSHEET PREPARED BY:** Jean L. Walker

**DATE:** August 22, 2006

**REVIEWED BY:** \_\_\_\_\_

**DATE:** August 22, 2006

**REFERENCE NUMBER:** FS\CC\2006\CZ.06047+

## LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

### for August 16, 2006 PLANNING COMMISSION MEETING

This is a combined staff report for related items. This report contains a single background and analysis section for all items.

**PROJECT #:** Annexation #06013 - Irongate Estates  
**Change of Zone #06047**

**PROPOSAL:** Annex approximately .4 of an acre of land and change the zoning from AG to R-3.

**LOCATION:** Northeast of the intersection of Old Cheney Road and South 96<sup>th</sup> Place.

**LAND AREA:** Approximately 18,200 square feet.

**CONCLUSION:** This proposed annexation is voluntary and at the request of the property owner, and is simply to annex and zone land being added to existing lots. These requests comply with the Annexation Policy and Land Use Plan of the Comprehensive Plan.

**RECOMMENDATION:**

Approval

### **GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** See the attached legal description to be used for both Annexation #06013 and Change of Zone #06047.

**EXISTING ZONING:** AG Agriculture

**PROPOSED ZONING:** R-3 Residential

### **SURROUNDING LAND USE AND ZONING:**

**EXISTING LAND USE:** Open space associated with HiMark Golf Course.

### **COMPREHENSIVE PLAN SPECIFICATIONS:**

The Land Use Plan identifies this area as Urban Residential. (F 25)

The proposed annexation is within the City's Future Service Limit. (F 27)

The Comprehensive Plan's Annexation Policy is found on pages F-154 and F-155 of the 2025 Comprehensive Plan. Some relevant excerpts are as follows:

The provision of municipal services shall coincide with the jurisdictional boundaries of the City – in short, it is not the intent of the City of Lincoln to extend utility services (most notably, but not necessarily limited to, water and sanitary water services) beyond the corporate limits of the City. (F 154)

The extension of water and sanitary sewer services shall be predicated upon annexation of the area by the City. City annexation shall occur before any property is provided with water, sanitary sewer, or other potential City services. (F 154)

Land which is remote or otherwise removed from the limits of the City of Lincoln will not be annexed; land which is contiguous to the City and generally urban in character may be annexed; and land which is engulfed by the City should be annexed. (F 154)

Annexation generally implies the opportunity to access all City services. Voluntary annexation agreements may limit or otherwise outline the phasing, timing or installation of utility services (e.g., water, sanitary sewer), and may include specific or general plans for the private financing of improvements to the infrastructure supporting or contributing to the land uses in the annexed area. (F 154)

Annexation to facilitate the installation of improvements and/or possible assessment districts is appropriate if it is consistent with the annexation policies of the Plan. (F 155)

## **HISTORY:**

**July 7, 2000** - The final plat of Irongate Estates Addition was approved.

**May 6, 1998** - The HiMark Addition Preliminary Plat #98006, Change of Zone #3125, and Special Permit #1423B for HiMark CUP were approved.

## **ASSOCIATED REQUEST:**

FPPL #06022 Irongate Estates 3<sup>rd</sup> Addition.

## **ANALYSIS:**

1. The final plat of Irongate Estates 3<sup>rd</sup> Addition was submitted on March 15, 2006. The plat proposes a minor reconfiguration of six lots adjacent to the HiMark Golf Course by expanding the lots to include a portion of the adjacent outlot where the golf course is located.
2. The majority of the open space associated with the HiMark Golf Course is in an outlot that is zoned AG and has not been annexed into the City. The adjacent residential zoning is R-3. The staff review of the Irongate Estates 3<sup>rd</sup> Addition noted that the final plat could not be approved until those portions of the outlot being combined with the residential lots were annexed and re-zoned.
3. City services to serve these properties are available in the adjacent streets.
4. A final plat for property such as this, which is contiguous to the city limits, would normally result in the automatic annexation of the area. However, state statute precludes automatic annexation whenever a portion of the plat allows a residential density of not more than one dwelling unit per acre. Since portions of HiMark Estates contain AG zoning, which requires 20 acres per dwelling unit, the City Council is required to act on the annexation of any portion of the plat area.
5. All necessary improvements have been addressed as part of the final plat, so no annexation agreement is being requested.

Prepared by:

Brian Will  
441-6362, [bwill@lincoln.ne.gov](mailto:bwill@lincoln.ne.gov)  
Planner  
August 3, 2006

**APPLICANT/  
CONTACT:**

Marcia Kinning  
ESP  
601 Old Cheney Road      Ste A  
Lincoln, NE 68512

**OWNERS:**

Donald Waldrop	Ghalili Kamran
5510 South 96th Place	5530 South 96th Place
Lincoln, NE 68526	Lincoln, NE 68526

Terrell Bundy	Dean Hart
5540 South 96th Place	5600 South 96th Place
Lincoln, NE 68526	Lincoln, NE 68526

Douglas Netz	Jeffrey Lehms
1500 South 48 <sup>th</sup> Street Ste 800	9645 Iron Gate Court
Lincoln, NE 68526	Lincoln, NE 68526

Guy Lammle  
8901 Augusta Drive  
Lincoln, NE 68526

# CHANGE OF ZONE NO. 06047

## **CONSENT AGENDA**

### **PUBLIC HEARING & ADMINISTRATIVE ACTION**

#### **BEFORE PLANNING COMMISSION:**

August 16, 2006

Members present: Carlson, Carroll, Cornelius, Esseks, Krieser, Larson, Sunderman and Taylor; Strand absent.

The Consent Agenda consisted of the following items: **COUNTY SPECIAL PERMIT NO. 06045, MISCELLANEOUS NO. 06011, ANNEXATION NO. 06013 and CHANGE OF ZONE NO. 06047.**

Ex Parte Communications: None.

**Item No. 1.1, County Special Permit No. 06045,** was removed from the Consent Agenda and scheduled for separate public hearing.

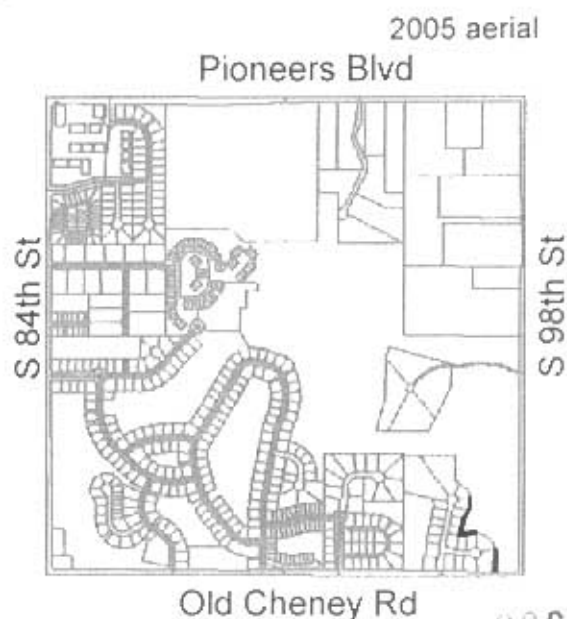
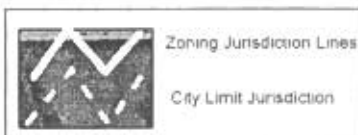
Carroll moved to approve the remaining Consent Agenda, seconded by Esseks and carried 8-0: Carlson, Carroll, Cornelius, Esseks, Krieser, Larson, Sunderman and Taylor voting 'yes'; Strand absent.



# **Annexation #06013 and Change of Zone #06047 S 96th Place & Old Cheney Rd Zoning:**

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile  
Sec. 11 T09N R07E

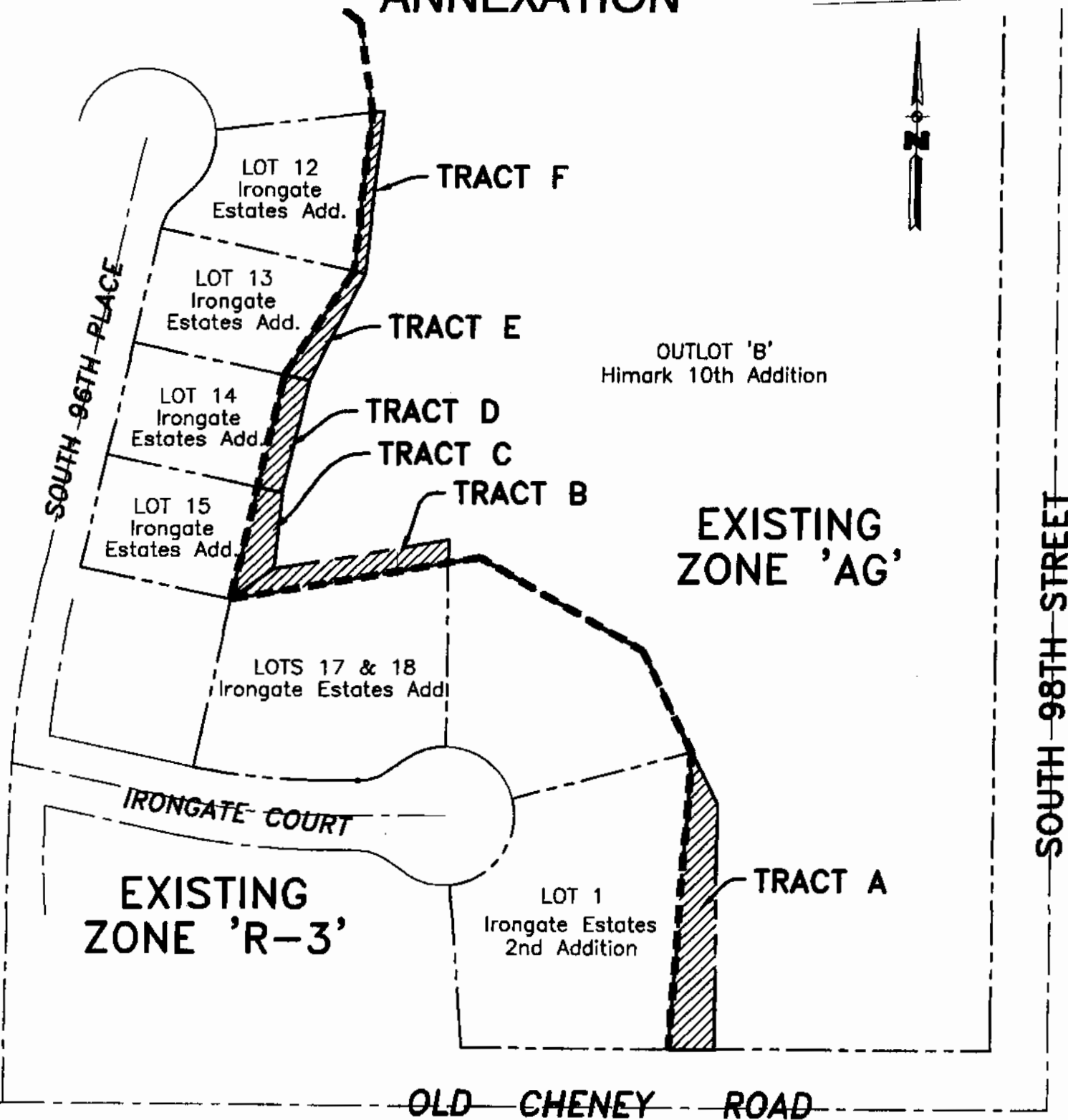


# CHANGE OF ZONE FROM 'AG' TO 'R-3' & ANNEXATION

RECEIVED

JUL 20 2006

LINCOLN CITY/LANCASTER CO.  
PLANNING DEPARTMENT





July 20, 2006

Mr. Marvin Krout  
Director of Planning  
City of Lincoln/ Lancaster County  
555 South 10<sup>th</sup> Street  
Lincoln, NE 68508

**LYLE L. LOTH, P.E./L.S.**

Suite A - 601 Old Cheney Road  
Lincoln, NE 68512

Phone (402) 421-2500  
Fax (402) 421-7096

Email: lyle@espeng.com

RE: CHANGE OF ZONE FROM 'AG' TO 'R-3'  
ANNEXATION

Dear Marvin,

On behalf of seven individual owners, we are requesting a change of zone. Currently, a final plat of Irongate Estates Third Addition has been reviewed by the Planning Department and a change of zone and annexation is required for the additional area being transferred from an existing outlot to several lots. The existing outlot is zoned 'AG' and the existing lots area zoned 'R-3'. We are requesting that the area being transferred to the existing lots be zoned 'R-3' and also requesting annexation of the same area.

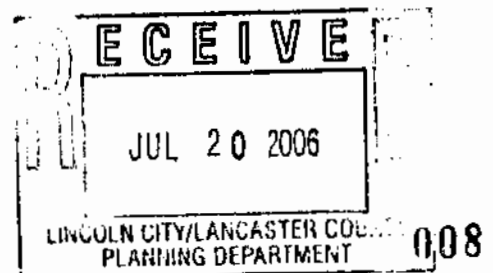
Please feel free to contact me if you have any further questions or comments.

Sincerely,

Marcia L. Kinning

Cc Rob Otte  
Jeffrey Lehms & Mary Haskell-Lehms  
Guy & Rita Lammle

Enclosures: 3 Copies of Exhibit  
3 Copies of Legal Descriptions  
Change of Zone Application  
Application fee of \$250.00





**CHANGE OF ZONE  
FROM 'AG' TO 'R-3'  
Owners**

Lot 1, Irongate Estates Second Addition  
Jeffrey W. Lehms & Mary L. Haskell-Lehms  
9645 Iron Gate Court  
Lincoln, NE 68526

Outlot 'B', HiMark Estates 10<sup>th</sup> Addition  
Guy M. & Rita L. Lammle  
8901 Augusta Drive  
Lincoln, NE 68526  
(402) 488-8295

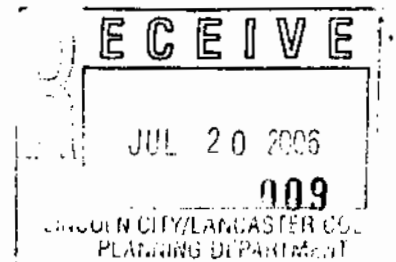
Lot 12, Block 1, Irongate Estates Addition  
Donald R. & Barbara A. Waldrop  
5510 South 96<sup>th</sup> Place  
Lincoln, NE 68526

Lot 13, Block 1, Irongate Estates Addition  
Kamran Ghalili & Tammi Stahl-Ghalili  
5530 South 96<sup>th</sup> Place  
Lincoln, NE 68526  
(402) 484-6725

Lot 14, Block 1, Irongate Estates Addition  
Terrell L. & Constance D. Bundy  
5540 South 96<sup>th</sup> Place  
Lincoln, NE 68526  
(402) 489-6359

Lot 15, Block 1, Irongate Estates Addition  
Dean A. & Barbara A. Hart  
5600 South 96<sup>th</sup> Place  
Lincoln, NE 68526  
(402) 489-4482

Lots 17 & 18, Block 1, Irongate Estates Addition  
Douglas D. & Robin S. Netz  
1500 South 48<sup>th</sup> Street, Suite 800  
Lincoln, NE 68506  
(402) 489-6555



Tract A

A legal description of a portion of Outlot B, Himark 10th Addition, located in the Southeast Quarter of Section 11 Township 9 North Range 7 East of the Sixth Principal Meridian, Lancaster County, Nebraska. Said tract of land shall be more particularly described by metes and bounds as follows.

Commencing at the Southeast corner of Lot 1, Irongate Estates 2nd Addition, and the POINT OF BEGINNING;

THENCE North 03 degrees 40 minutes 43 seconds East for a distance of 257.16 feet on the East line of said Lot 1, Irongate Estates 2nd Addition;

THENCE South 26 degrees 16 minutes 08 seconds East for a distance of 49.96 feet;

THENCE South 00 degrees 16 minutes 57 seconds East for a distance of 212.03 feet;

THENCE North 89 degrees 42 minutes 55 seconds West for a distance of 39.66 feet on the North right of way of Old Cheney Road, to the POINT OF BEGINNING;

Said property contains 7,411.56 square feet more or less.

Tract B

A legal description of a portion of Outlot B, Himark 10th Addition, located in the Southeast Quarter of Section 11 Township 9 North Range 7 East of the Sixth Principal Meridian, Lancaster County, Nebraska. Said tract of land shall be more particularly described by metes and bounds as follows.

Commencing at the Northeast Corner of Lot 18, Irongate Estates Addition, and the POINT OF BEGINNING;

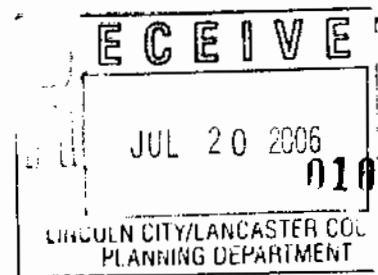
THENCE South 80 degrees 12 minutes 08 seconds West for a distance of 189.31 feet on the North line of said Lot 18 and Lot 17, Irongate Estates Addition;

THENCE North 53 degrees 48 minutes 52 seconds East for a distance of 45.00 feet;

THENCE North 80 degrees 18 minutes 49 seconds East for a distance of 152.43 feet;

THENCE South 00 degrees 04 minutes 20 seconds West for a distance of 20.00 feet to the POINT OF BEGINNING.

Said property contains 3,395.35 square feet more or less.



Tract C

A legal description of a portion of Outlot B, Himark 10th Addition, located in the Southeast Quarter of Section 11 Township 9 North Range 7 East of the Sixth Principal Meridian, Lancaster County, Nebraska. Said tract of land shall be more particularly described by metes and bounds as follows.

Commencing at the Southeast corner of Lot 15, Irongate Estates Addition, and the POINT OF BEGINNING;

THENCE North 12 degrees 21 minutes 36 seconds East for a distance of 100.05 feet on the East line of Lot 15, Irongate Estates Addition;

THENCE South 77 degrees 30 minutes 59 seconds East for a distance of 22.00 feet on the extended North line of Lot 15, Irongate Estates Addition;

THENCE South 05 degrees 39 minutes 20 seconds West for a distance of 66.73 feet;

THENCE South 53 degrees 48 minutes 52 seconds West for a distance of 45.00 feet to the POINT OF BEGINNING ;

Said property contains 2,219.09 square feet more or less.

Tract D

A legal description of a portion of Outlot B, Himark 10th Addition, located in the Southeast Quarter of Section 11 Township 9 North Range 7 East of the Sixth Principal Meridian, Lancaster County, Nebraska. Said tract of land shall be more particularly described by metes and bounds as follows.

Commencing at the Southeast corner of Lot 14, Irongate Estates Addition, and the POINT OF BEGINNING;

THENCE North 12 degrees 21 minutes 36 seconds East for a distance of 100.04 feet on the East line of Lot 14, Irongate Estates Addition;

THENCE South 77 degrees 31 minutes 30 seconds East for a distance of 22.00 feet on the extended North line of Lot 14, Irongate Estates Addition;

THENCE South 12 degrees 21 minutes 33 seconds West for a distance of 100.04 feet;

THENCE North 77 degrees 30 minutes 59 seconds West for a distance of 22.00 feet on the South line of Lot 14, Irongate Estates Addition extended, and the POINT OF BEGINNING;

Said property contains 2,201.00 square feet more or less.

RECEIVE

JUL 20 2006 011

LINCOLN CITY/LANCASTER COUNTY  
PLANNING DEPARTMENT

Tract E

A legal description of a portion of Outlot B, Himark 10th Addition, located in the Southeast Quarter of Section 11 Township 9 North Range 7 East of the Sixth Principal Meridian, Lancaster County, Nebraska. Said tract of land shall be more particularly described by metes and bounds as follows.

Commencing at the Southeast corner of Lot 13, Irongate Estates Addition, and the POINT OF BEGINNING;

THENCE North 32 degrees 53 minutes 16 seconds East for a distance of 106.73 feet on the East line of Lot 13, Irongate Estates Addition;

THENCE South 77 degrees 30 minutes 46 seconds East for a distance of 10.00 feet on the North line of Lot 13, Irongate Estates Addition extended;

THENCE South 26 degrees 37 minutes 51 seconds West for a distance of 103.16 feet;

THENCE North 77 degrees 31 minutes 30 seconds West for a distance of 22.00 feet on the South line of Lot 13, Irongate Estates Addition extended and the POINT OF BEGINNING;

Said property contains 1,600.60 square feet more or less.

Tract f

A legal description of a portion of Outlot B, Himark 10th Addition, located in the Southeast Quarter of Section 11 Township 9 North Range 7 East of the Sixth Principal Meridian, Lancaster County, Nebraska. Said tract of land shall be more particularly described by metes and bounds as follows.

Comencing at the Southeast Corner of Lot 12, Irongate Estates Addition and the POINT OF BEGINNING;

THENCE North 05 degrees 34 minutes 28 seconds East for a distance of 137.37 feet on the East line of Lot 12, Irongate Estates Addition;

THENCE North 83 degrees 36 minutes 21 seconds East for a distance of 10.00 feet on the extended North line of Lot 12, Irongate Estates Addition;

THENCE South 05 degrees 30 minutes 54 seconds West for a distance of 140.65 feet;

THENCE North 77 degrees 30 minutes 46 seconds West for a distance of 10.00 feet on the Extended South line of Lot 12, Irongate Estates Addition and the POINT OF BEGINNING;

Said property contains 1,370.21 square feet more or less.

